

**Devon Zastrow Newman**, OSB #014627

Email: dneuman@schwabe.com

**Catherine B. Brinkman**, OSB #002134

Email: cbrinkman@schwabe.com

SCHWABE, WILLIAMSON & WYATT, P.C.

1211 SW 5th Ave., Suite 1900

Portland, OR 97204

Telephone: 503-222-9981

Facsimile: 503-796-2900

**Paul N. Tauger**, *appearing pro hac vice*

Email: pnt@eclipsegrp.com

**Anna M. Vradenburgh**, *appearing pro hac vice*

Email: amv@eclipsegrp.com

THE ECLIPSE GROUP LLP

2020 Main Street, Suite 600

Irvine, CA 92614

Telephone: 949-851-5000 ext. 110

Facsimile: 949-851-5051

Attorneys for Defendant Tenza Trading Ltd.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

**CALISTA ENTERPRISES LTD.**, a  
Republic of Seychelles Company,

Plaintiff,

vs.

**TENZA TRADING LTD.**, a Cyprus  
Company,

Defendant.

No. 3:13-cv-01045-SI

[PROPOSED] ORDER  
REGARDING CALISTA'S DISCOVERY  
REQUESTS ADDRESSED IN JANUARY 31,  
2014 HEARING

THIS MATTER HAVING COME BEFORE THE COURT in a telephone Discovery

Page 1 - [PROPOSED] ORDER

SCHWABE, WILLIAMSON & WYATT, P.C.  
Attorneys at Law  
Pacwest Center  
1211 SW 5th Ave., Suite 1900  
Portland, OR 97204  
Telephone: 503.222.9981  
Fax: 503.796.2900

Conference on January 31, 2014, and Defendant Tenza's Motion for Protective Order Regarding Calista's Notice of FRCP 30(B)(6) and 45 Deposition of Tenza (Docket No. 40);

Plaintiff Calista Enterprises Ltd. ("Calista") appearing by and through Val Gurvits, Matthew Shayefar, Sean Ploen, and Thomas Freedman; and Defendant Tenza Trading Ltd. ("Tenza") appearing by and through Paul Tauger, Anna Vradenburgh, and Devon Zastrow Newman,

IT IS HEREBY ORDERED as follows:

1. With regard to Calista's RFP No. 2; FRCP 30(B)(6) Deposition Topic 2; and FRCP 30(B)(6) Document Requests 1 and 2, Tenza and the deponents shall testify as to their knowledge regarding EMC Ideas, Inc.'s ("EMC") activities related to enforcement efforts regarding the registered trademark PORNTUBE, and Tenza shall produce any documents reflecting such enforcement efforts taken by EMC. Calista shall not take discovery on EMC's corporate or financial structure or its background.
2. With regard to Calista's RFP 19, 32, 33; Interrogatory 6, 9; FRCP 30(B)(6) Topic 4, 6; and FRCP 30(B)(6) Document Reqs. 3, 8, regarding traffic analytics: Calista may submit an interrogatory to discover the number of affiliates within the affiliate program administered for [www.porntube.com](http://www.porntube.com), and Calista's ranking amongst such affiliates based on traffic driven to that website by the affiliates. Tenza will produce information reflecting the total number of visitors to [www.porntube.com](http://www.porntube.com) and regarding the demographics of the visitors. Tenza also will identify the aggregate amount of money paid to its affiliates and identify what information regarding its affiliates is tracked. Calista may not take discovery on the identity of or the amount of money paid to any Tenza affiliates, aside from Calista.
3. With regard to Calista's Interrogatory 4; RFP 7, 8: Tenza shall produce a copy of the coexistence agreement negotiated with WMM Holdings, LLC.
4. With regard to Calista's RFP 10, Tenza shall obtain Mr. Matthysen's consent to have Calista produce and shall produce any communications between Matthysen and Calista.

5. With regard to Calista's Interrogatory 7, 8; RFP 28, 29; and FRCP 30(B)(6) Document Request 10, Tenza stipulated on the record that any actions DreamStar took on behalf of Tenza after Tenza's creation are attributable to Tenza in DreamStar's capacity as an agent of Tenza, and Tenza further stipulated that any knowledge that DreamStar had at the time of Tenza's creation is knowledge to be imputed to Tenza.

6. With regard to Calista's Interrogatory 16; RFP 25, 26; FRCP 30(B)(6) Topic 16: Tenza shall disclose how much it spends on advertising, marketing, and promotion. Counsel for Tenza shall confer with Tenza about whether it will disclose total revenues. If Tenza agrees to disclose information regarding its total revenues, it must do so within 2 weeks. If Tenza does not disclose such information by this time, Tenza will be precluded from introducing information regarding its revenue into evidence in this matter.

7. With regard to Calista's RFP 30, 31; FRCP 30(B)(6) Topic 14, 17, and 18: Calista may submit a new interrogatory or document request seeking information regarding who within Tenza may have had knowledge regarding Calista's actions or who may have had related discussions. The answer to this referenced interrogatory will be due within 14 days.

8. With regard to Calista's RFP 17 and 35: Tenza shall produce any documents reflecting communications with third parties about Calista.

9. With regard to Calista's Document Request 9: Tenza will produce documents sufficient to establish how much compensation Tenza paid to Calista.

10. With regard to the subpoena issued to GoDaddy.com by Calista: the parties indicated on the record that the Court's rulings with regard to other issues raised during the hearing resolved the dispute with regard to the subpoena.

Dated this \_\_\_\_ day of February, 2014.

---

Michael H. Simon  
United States District Judge